

IDEA–Reauthorized Statute¹

INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAM MEETINGS AND CHANGES TO THE IEP

The reauthorized Individuals with Disabilities Education Act (IDEA) was signed into law on Dec. 3, 2004, by President George W. Bush. The provisions of the act will be effective on July 1, 2005, with the exception of some elements of the definition of “highly qualified teacher” that took effect upon the signing of the act. This is one in a series of documents, prepared by the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education, that covers a variety of high-interest topics and brings together the statutory language related to those topics to support constituents in preparing to implement the new requirements. This document addresses provisions of IDEA regarding the alignment between IDEA and No Child Left Behind, referred to in this document as the Elementary and Secondary Education Act (ESEA) of 1965, which will take effect on July 1, 2005. It does not address any changes that may be made by the final regulations.

IDEA 2004:

1. Members of the IEP team.

The IEP Team is composed of the following persons:

- The parents of a child with a disability;
- Not less than one regular education teacher (if the child is, or may be, participating in the regular education environment);
- Not less than one special education teacher, or when appropriate, not less than one special education provider;
- A representative of the local educational agency (LEA) who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; is knowledgeable about the general education curriculum; and is knowledgeable about the availability of resources of the LEA;
- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above;
- Other individuals, at the discretion of the parent or the agency, who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- Whenever appropriate, the child with a disability.

[614(d)(1)(A)]

2. IEP team meeting attendance not necessary.

A member of the IEP team is not required to attend an IEP meeting, in whole or in part, if:

- The parent of a child with a disability and the LEA agree, due to the fact that the member’s area of the curriculum or related services is not being modified or discussed. The parent’s agreement must be in writing. [614(d)(1)(C)(i) and (iii)]
- The member submits, in writing to the parents and the team, his or her input into the development of the IEP prior to the meeting.

[614(d)(1)(C)(i) and (iii)]

3. Excusal from IEP meeting.

A member of the IEP team may be excused from attending an IEP meeting, in whole or in part, if:

- The parent of a child with a disability and the LEA agree, due to the fact that the member's area of the curriculum or related services is not being modified or discussed.
- The parent consents in writing, and the agency also: and
- The member submits, in writing to the parents and the team, his or her input into the development of the IEP prior to the meeting.

[614(d)(1)(C)(ii) and (iii)] of the IDEA 2004.

4. New provisions for making changes to the IEP.

In making changes to a child's IEP after the annual IEP meeting for a school year, the parent of a child with a disability and the LEA may agree not to convene an IEP meeting for purposes of making such changes, and instead may develop a written document to amend or modify the child's current IEP.

[614(d)(3)(D)]

Changes to the IEP may be made either by the entire IEP team or, as provided in Section 614(d)(3)(D), by amending, rather than redrafting the entire IEP. Upon request, a parent shall be provided with a revised copy of the IEP with the amendments incorporated. [614(d)(3)(F)]

5. Consolidation of IEP meetings.

To the extent possible, the LEA will encourage the consolidation of reevaluation meetings and other IEP team meetings for the child. [614(d)(3)(E)]

6. Alternative means of meeting participation.

When conducting IEP team meetings and placement meeting pursuant to Sections 614, 615(e), and 615(f)(1)(B), and carrying out administrative matters under Section 615 (such as scheduling, exchange of witness lists and status conferences), the parent of a child with a disability and the LEA may agree to use alternative means of meeting participation, such as video conferences and conference call. [614(f)]